IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 8TH MAY 2007 / 18TH VAISAKHA 1929

Crl.MC.No. 1478 of 2007()

CP.196/2006 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOTTARAKKARA

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PETITIONER: ACCUSED

MURALI, S/O.CHINNAN,
KAVILVEEDU, PUTHUSSERRY WARD,
VELLINALLOOR VILLAGE, KOTTARAKARA.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS: STATE/COMPLAINANT

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1. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. STATION HOUSE OFFICER,
CHADAYAMANGALAM EXCISE RANGE,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI. AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 08/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl.M.C. 1478 of 2007

DATED: 08-05- 2007

O R D E R

Petitioner who is the accused in Crime No. 16 of 2004 of Chadayamangalam Police Station for an offence punishable under Sec. 55(g) of the Abkari Act for allegedly having been found in possession of 105 litres of wash on 15-3-2004 seeks a direction to the J.F.C.M-I, Kottarakkara to grant him bail.

2. The learned Public Prosecutor opposed the application.

2. Consequent on his non-appearance in C.P. 196 of 2006, non-bailable warrants of arrest are pending against the petitioner. This Court will not issue a direction to the court below so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. Accordingly, If the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed bearing in mind the decision in **Sukumari v. State of Kerala - 2001 (1) KLT 22.**

With the above observation this Application is disposed of .

V.RAMKUMAR, JUDGE.

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